9/20/07 3:24:14 BK 568 PG 786 DESOTO COUNTY, MS W.E. DAVIS, CH CLERK

Current Borrower; Client Loan Number: B&H File Number:

David K. Lance 39578753 241442 VA/FHA/PMI Number: 7581703fl **FHA**

Loan Type: Property Address:

10791 Ridgefield Drive, Olive Branch, MS 38654

SUBSTITUTE TRUSTEE'S DEED

Grantor: James L. DeLoach, Substitute Trustee

Grantee: THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE

REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3

WHEREAS, on April 27, 1999, David K. Lance, a single person and Melissa A. Hankins, a single person, executed a deed of trust to Arnold Weiss, Trustee for the benefit of Pulaski Mortgage Company, which deed of trust is recorded in Deed of Trust Book 1106 at Page 689 in the office of the Chancery Clerk of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to Union Planters Bank, National Association, by instrument dated May 3, 1999, and recorded in Book 1120 at Page 0666 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid deed of trust was assigned to THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3, by instrument dated January 29, 2007, and recorded in Book 2656 at Page 71 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3, the holder of said deed of trust and the note secured thereby, substitute James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated August 14, 2007, and recorded in the office of the aforesaid Chancery Clerk in Book 2773 at Page 186; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3, having requested the undersigned Substitute Trustee to execute the trust and sell land

BH # 241442/457

and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;

WHEREAS, the undersigned Substitute Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on September 20, 2007, at public outcry offered the hereinafter described property for sale at the East front door of the County Courthouse at Hernando, County of Desoto, State of Mississippi;

WHEREAS, the Proof of Publication, Affidavit of Posting and the Memorandum of Sale have been prepared and executed to verify all aforesaid events. Said items are attached as proof thereof;

WHEREAS, at the time and place aforementioned, the undersigned received from the hereinafter named grantee a bid of \$101,276.54 which was the highest bid for cash for said land and property, and said bidder was then and there declared to be the purchaser thereof;

NOW, THEREFORE, in consideration of the aforesaid sum, cash in had paid, the receipt whereof is hereby acknowledged, the undersigned does hereby and convey unto THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3 the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in the County of Desoto, State of Mississippi, to-wit:

LOT 74, SECTION D, OLIVE RIDGE SUBDIVISION, LOCATED IN SECTION 26, TOWNSHIP 1 SOUTH, RANGE 6 WEST, AS RECORDED IN PLAT BOOK 51, PAGE 17 IN THE OFFICE OF THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI

Also known as 10791 Ridgefield Drive, Olive Branch, MS 38654

I hereby convey only such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this, the 2014

James L. DeLoach

ŠUBSTITUTE TRUSTEE

Butler & Hosch, P.A.

13800 Montfort Drive, Suite 300

Dallas, Texas 75240

Telephone No.:(972) 233-2500

STATE OF TEXAS)	•
COUNTY OF DALLAS)	ACKNOWLEDGMENT

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state of aforesaid, James L. DeLoach, Substitute Trustee, who acknowledged to and before me that he executed the foregoing Substitute Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the day of



Notary Public

My Commission Expires:

GRANTOR'S NAME, ADDRESS AND PHONE NUMBER: James L. DeLoach Butler & Hosch, P.A. 13800 Montfort Drive, Suite 300 Dallas, Texas 75240 (972)-233-2500

GRANTEE'S NAME, ADDRESS AND PHONE NUMBER (Send Tax Statements to this address): THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3 %Countrywide Home Loans, Inc. 7105 Corporate Drive MS PTX-B-35 Plano, TX 75024 (805)520-5100, x 3341

THIS DOCUMENT PREPARED BY AND AFTER RECORDING PLEASE RETURN TO: Kortney R. Gurnell Butler & Hosch, P.A. 13800 Montfort Drive, Suite 300 Dallas, Texas 75240 (972) 233-2500

BH # 241442/457

Current Borrower:

DAVID K. LANCE AND MELISSA A. HANKINS

Client Loan Number: B&H File Number: VA/FHA/PMI Number: 39578753 241442

Loan Type:

7581703fl FHA

Property Address: 10791 Ridgefield Drive, Olive Branch, MS 38654

Affidavit of Mortgagee

STATE OF COUNTY OF **TEXAS** DALLAS

BEFORE ME, the undersigned authority on this day personally appeared Kortney R. Gurnell, who after being duly sworn, deposed as follows:

- I am an employee of Butler & Hosch, P.A., attorney for Countrywide Home Loans, Inc., as servicing agent for THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3 at the time of the events hereinafter set forth and make this affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.
- This affidavit is made with respect to the foreclosure of that certain Deed of Trust dated April 27, 1999, recorded in Volume 1106, Page 689, Real Property Records, Desoto County, Mississippi, executed by David K. Lance, a single person and Melissa A. Hankins, a single person, to Arnold Weiss, Trustee, to secure payment of a Note to Pulaski Mortgage Company,
- THE BANK OF NEW YORK AS TRUSTEE, FOR THE CERTIFICATEHOLDERS OF THE REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R3 is the holder of the indebtedness secured by the Deed of Trust.
- To the best of my knowledge and belief, proper notice was sent prior to acceleration of indebtedness. All obligations duties of the holder of the debt were performed in the manner required by law and all notices were served on the Debtor at the Debtor's last known address as shown by the records of the holder of the debt.
- 5. To the best of my knowledge and belief, the mortgagors holding an interest in the above described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for the last three (3) months prior to the date of the Trustee's Sale and the subject hereof and were alive on the date of such
- At the instructions and on behalf of the holder of the debt or its agent, notice of acceleration of indebtedness and Trustee's Sale was served on every debtor obligated on the debt, by certified and regular mail at least thirty (30) days prior to the date therein specified for sale at the last known address of each such debtor according to the records of the holder of the debt.
- At the instructions and on behalf of the holder of the debt or its agent, Notice of Trustee's Sale was filed with the Chancery Clerk in the county or counties in which the subject property is situated and copies thereof posted at said courthouse(s) as required by law and in the manner specified by ordinance or custom."

FURTHER AFFIANT SAYETH NAUGHT.

STATE OF TEXAS

COUNTY OF DA LLAS other gurnell

Sworn to and subscribed before me, the undersigned Notary Public, on this day personally appeared Kortney R. Gurnell, who is the Legal Assistant and duly authorized agent of Butler & Hosch, P.A., on behalf of said law firm, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed, Given under my hand and seal of office this day of

NORMA A. MARTINEZ MY COMMISSION EXPIRES

November 16, 2009

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Notary Public for the State of Texas Norma

Printed Name of Notary Public

My Commission Expires:

BH # 241442/457

Current Borrower Client Loan Number: B&H File Number:

David K. Lance 39578753 241442 VA/FHA/PMI Number: 7581703fl

Loan Type: Property Address:

FHA 10791 Ridgefield Drive, Olive Branch, MS 38654

MEMORANDUM OF SALE

The undersigned Substitute Trustee (hereinafter "Trustee") hereby appoints _ Mark, to serve as auctioneer for the purpose of conducting the foreclosure sale more particularly described below. This appointment is subject to completion of a satisfactory title examination (including a search for Federal Liens) and the performance of all duties in conformity with Trustee's instructions. All third party bids are subject to confirmation by Trustee prior to sale. Right is reserved by Trustee to reject any bid or to withdraw the property from auction prior to final sale. All sales are subject to review and confirmation by the Trustee, prior to conveyance. The undersigned Trustee reserves the right to reject any bid and to decline to convey the subject property due to mistake (including but not limited to an error in the bid amount), inadequacy of funds, title defects or lack of notice to the IRS, or for any other

reasonable cause. If Trustee elects to reject a bid, the funds tendered by the successful bidder will

be promptly returned, and the property will be re-advertised for sale at a subsequent date.

Upon confirmation by the Trustee, Trustee will convey only such title as is vested in him. No representations are made concerning title to the subject property of the fitness or merchantability of the same. It is the purchaser's sole responsibility to examine and investigate the title to the property and any related issues, and it shall be the purchaser's responsibility to resolve any issues relating to other liens, taxes or other title problems or issues affecting the subject property. The property will be conveyed without warranty of any kind, it being understood that the property is being sold "as is". The form of conveyance will be that of a Substituted Trustee's Deed, which is in the nature of quitclaim deed.

B&H 241442 / 904

WITNESS MY SIGNATURE, on this	20th day or September, 267.
	James L. DeLoach, Substitute Trustee Butler & Hosch, P.A. 13800 Montfort Drive, Suite 300 Dallas, Texas 75240 Telephone No.:(972) 233-2500
RESULTS OF SALE:	
DEED OF TRUST FORECLOSED:	BOOK 1106 PAGE 689
DATE & TIME OF SALE:	September 20, 2007, AT 3:05 A.M./P.M.
AMOUNT OF HIGHEST BID:	s 101, 276.54
CONVEY TO:	
	PHONE:
The undersigned acknowledge	ed having read the terms of the auctioneer's appointmen
and conditions of sale set forth about	ve, and further acknowledge that all bids are subject t
approval by the Trustee prior to conve	yance, and the sale may be set aside by the Trustee and th
funds tendered returned to the bidder, i	if these conditions are not satisfied.
WITNESS OUR SIGNATUI	RES, on this 20 day of Sept
2007	
AUCHONEER Printed Name: Josh Mark Blank Cof New Y	WITNESS Pripted Name: One thigh
HIGHEST BIDDER	WITNESS WITNESS
Printed Name:	Printed Name:



PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the CLERK of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper ______ consecutive times, as follows, to-wit:

	<u>.</u>	
SUBSTITUTE TRUSTEE'S	30 0	
NOTICE OF SALE	Volume No. 112 on the 28 day of 2ug., 2007	
WHEREAS, on April 27, 1990, Devid K. Lance, a single	. / / / / / /	
person and Melless A. Hankins,	Volume No	
a single person executer a	volume No on the day of, 2007	
deed of trust to Arnold Welse,	//2	
Trustee for the benefit of Pulsaki Montgage Company,	Volume No on the day of, 2007	
which deed of trust is recorded		
In Deed of Trust Book 1106 at	Volume No. 1/2 on the 8 day of, 2007	
Page 589 in the office of the Chancery Clerk of the County	day 57, 2007	
of Desoto, State of Mississippi;	Volume No.	
and	Volume No on the day of, 2007	
WHEREAS, the aforesaid deed of		
trust was assigned to Union Planters Bank, National	Volume No on the day of, 2007	
Association, by instrument		
dated May 3, 1999 and		
recorded in Book 1120 at Page	Mana XM 1	
0666 of the records of the aforesaid Charicery Clerk; and		
WHEREAS, the aforesaid deed of	10 %	
trust was assigned to THE	Sworn to and subscribed before me, this day of, 2007	
BANK OF NEW YORK AS TRUSTEE, FOR THE		
CERTIFICATEHOLDERS OF		**.
THE REPERFORMING LOAN	X Ludy X. Cheeles	SA
REMIC TRUST CERTIFICATES, SERIES		•
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ACTUALLY SALE SHAPE, SALE	NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE	
71 of the records of the	MY COMMISSION EXPIRES: JANUARY 16, 2009	-
aforesaid Chancery Clerk; and	BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED	47)
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REMIC TRUST CERTIFICATES, SERIES	A. Single first insertion of 530 words @ 12\$ 63.60	
2003-R3, the holder of said		
deed of trust and the note	B. 3 subsequent insertions of 1590 words @ .10 \$ 159.00	
secured thereby, substituted James L. DeLoach or Zachary		
A. Copp as Trustee therein, as	C. Making proof of publication and deposing to same \$ 3.00	
authorized by the terms thereof, by instrument dated	つつて ノヘ	
August 14, 2007 and recorded	TOTAL PUBLISHER'S FEE: \$ 225. 60	
in the office of the afcressia:	· · · · · · · · · · · · · · · · · · ·	
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THE REPERFORMING LEGIS	Z	
	Street O. H. S. H. L. M. COCCO. C.C. LONG.	
212 FOSHEL	Street - On the Square- Hernando, MS 38632 • 662.429.6397 • Fax: 662.429.5229	